

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

KEITH JEFFERS,

Plaintiff,

v.

CIVIL ACTION NO. 2:07-00180

OFFICER McKINLEY,  
OFFICER McCALLISTER,  
SOUTH CENTRAL REGIONAL JAIL, and  
JOHN DOE,

Defendants.

MEMORANDUM OPINION

Pending before the court is defendants' Motion for Summary Judgment. (Doc. No. 38.) By Standing Order entered August 1, 2006, and filed in this case on March 21, 2007, this matter was referred to United States Magistrate Judge Mary E. Stanley. Pursuant to 28 U.S.C. § 636(b), the Standing Order directs Magistrate Judge Stanley to submit proposed findings and recommendation concerning the disposition of this matter. Magistrate Judge Stanley submitted her Proposed Findings and Recommendation ("PF & R") on January 9, 2009, recommending that this court grant defendants' motion and dismiss this matter from the court's docket. (Doc. No. 40.)

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge Stanley's PF & R.

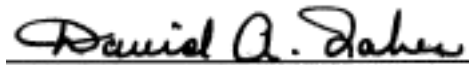
Under § 636(b), the failure of any party to file objections within the appropriate time frame constitutes a waiver of that party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985). No party has submitted objections to the PF & R, and the time period for doing so has now elapsed.

Having reviewed the Proposed Findings and Recommendation filed by Magistrate Judge Stanley, the court (1) **CONFIRMS** and **ACCEPTS** the factual and legal analysis set forth therein (Doc. No. 40), (2) **GRANTS** defendants' Motion for Summary Judgment (Doc. No. 38), (3) **DISMISSES** this action, and (4) **DIRECTS** the Clerk to remove this matter from the court's active docket. A Judgment Order of even date will be entered effectuating the court's ruling.

The Clerk is directed to forward a copy of this Memorandum Opinion to plaintiff and to all counsel of record.

It is **SO ORDERED** this 6th day of April, 2009.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge